

Paper for the meeting between the NGOs and the Human Rights Committee on strengthening the interaction between the Committee and NHRIs and NGOs

102<sup>nd</sup> session of the Human Rights Committee  
11<sup>th</sup> July 2011

## **Introduction**

The signatories to this paper welcome the opportunity to have a discussion with the members of the Human Rights Committee on strengthening the engagement of NGOs and NHRIs in the work of the Human Rights Committee.

We draw the Committee's attention to the similar discussion undertaken by the CAT at its last session in May 2011. We would also like to draw the Committee's attention to the 'Joint NGO Response to the Dublin Statement on the Process of Strengthening the United Nations Human Rights Treaty Body System' as well as to the 'Seoul Statement on Strengthening the UN Human Rights Treaty Body System', which was adopted on the 20<sup>th</sup> of April 2011. Each of these documents contains some ideas on improving the cooperation between the NGO and the UN Treaty Bodies.

In this context we would like to emphasise that NGOs, particularly national NGOs, have a key role to play in the work of the UN Treaty Bodies and should therefore be included with other stakeholders in any discussions on the work of the UN Treaty Bodies. We thank the Human Rights Committee for their willingness to discuss these issues with NGOs and for providing this opportunity to make the following suggestions in the hope of improving the constructive engagement of NGOs in the Human Rights Committee's work.

## **1) Strengthening the role of NGOs and NHRIs in the reporting process**

- **Planning the session well in advance**

We welcome the fact that the Human Rights Committee's website now contains information on the timetabling of reviews up to July 2012. This long term schedule allows the national NGOs to form a coalition and to collect information specifically for the report rather than relying on the information they already have available. We assume that this will result in significantly better and more detailed NGO reports. Advance knowledge of the timetable for the review of their State also makes it more likely that national NGOs will have funding to attend the relevant Committee sessions.

The inclusion on the page for the next session of a briefing note for NGOs with details of the deadlines for submitting reports is another very positive step. The NGOs also welcome the availability online of a Master Calendar of the consideration of States parties by all the Treaty Bodies. However, we note that this Calendar has not been kept up to date (at the time of writing it only covered the period to the end of 2011 and had not been updated with the States to be reviewed during the Human Rights Committee's 102<sup>nd</sup> and 103<sup>rd</sup> sessions) and is not searchable by country. It would also be more useful if this document included information on the timetabling of all stages of the reporting process not only the session at which the report will be reviewed; with the introduction of the LoIPR procedure it is particularly important that information is available on the timing of the adoption of the List of Issues.

- **LOIPR**

We welcome the decision that States to be reviewed under the LoIPR procedure will be made public nine months before the Lists of Issues are adopted. We welcome this practice, as advance

knowledge of the Committee's schedule is an important element in enabling national NGOs to plan their engagement and take full advantages of the possibilities of working with the Committee, including providing written information before the drafting and adoption of LOIPR. However, we note that the first series of countries selected for the LOIPR occurred at the 101<sup>st</sup> session in March 2011. The deadline given to the NGOs to submit written information is the 5<sup>th</sup> August 2011 as the LOIPR will be adopted at the October session. This gives NGOs only four months to draft and submit their NGO reports, which is less than the nine months initially approved by the Committee.

- **Improving the quality of the formal meeting with NGO and NHRI on the reporting process**

The Human Rights Committee's current practice of allocating a two-hour meeting on the first Monday morning for the NGOs and NHRIs from all the States under review at that session is not satisfactory for either the Committee members or the NGOs. The informal lunch briefings organised by NGOs supplement this formal briefing and avoid some of its shortcomings, but are not an ideal solution.

The inclusion in the Committee's timetable of 'formal' NGO and NHRI briefings before the review of each State would be a significant improvement. This approach (already taken by the CAT) renders the Committee's interactions with the NGOs more transparent. This would not only give the NGOs a clear and formal role in the review, validating and encouraging their engagement, but also ensures that the success of the briefings does not rely on Committee members being willing to give up their lunchtimes to meet with NGOs. The availability of interpretation and the use of the sound system in formal briefings would have an immediate effect in making the briefings more productive. In addition, this approach would make it easier for NGOs who do not have much experience of the treaty bodies to see the advantages of and modalities for their engagement with the Human Rights Committee.

- **Taking advantage of the new technologies**

We welcome the fact that the Human Rights Committee has authorised that NGOs may webcast its review of States. This is a positive step that will allow persons not physically present at the review to follow the discussions between the Committee and the State delegations. Further, webcasts can also be used to enable the Government representatives supporting the review from capitals to follow questions and comments from the Human Rights Committee in real time, facilitating timely responses.

We note that on several occasions briefings have been held with NGOs in the country under review by videoconference and welcome the Committee's willingness to take part in such briefings. The use of video conferencing should be further developed to ensure that NGOs who cannot be physically present at the review routinely have the possibility of taking part in oral briefings with the Human Rights Committee members. However, recent experience has shown that poor Internet connections in developing countries can cause serious problems. Cooperation with the UN field offices could be extremely helpful in addressing these problems and the Secretariat could play a key role in facilitating this kind of meetings.

## **2) Non-Reporting States**

We welcome the recent decision of the Human Rights Committee to allocate one slot per session for the review of a State party in the absence of a report. We consider that the active participation of a broad range of civil society actors in a review in the absence of a State report is crucial. In this context, the Committee should consider how adequate time could be given to NGOs and NHRIs

who would like to brief the Committee about the national situation.

It should be pointed out that the Human Rights Committee's current practice of conducting reviews in the absence of a State report in closed (private) meetings may encourage States not to cooperate with the Committee, since non-reporting States benefit from the confidentiality of this procedure. We believe that the review of a State in the absence of a report should be made public to ensure transparency and effective public engagement with the process. This would also enable NGOs and other observers to report back on the issues raised by the Committee and use the points raised in their advocacy at the national level. We feel that whether or not the State has replied to the Concluding Observations they should be made publicly available shortly after the review. A delay of one year before the public availability of the Concluding Observations risks the loss of public interest in the State and prevents national NGOs from maintaining momentum for advocacy around the review. Also, if only published one year after its adoption the concluding observation might be out-dated at the time of publication and therefore of limited use for NGOs working on follow-up and implementation at the national level.

### **3) Implementation and Follow-up**

- **Turning the Concluding Observations into reality**

We would like to remind the Committee of the importance of having specific, concrete and time-bound Concluding Observations as such recommendations can be more easily translated into a comprehensive plan of action, which will promote and ensure their full and effective implementation. Setting out specific suggestions for actions to be taken and clear timeframes for doing so would also help to assess more effectively the follow-up states are giving to the Committee's recommendations. Making recommendations clear, specific, time-bound, readily accessible and easily understood is an important element as is to ensure that NGOs at the national level are aware of the recommendations and use them in their advocacy.

Greater emphasis could be placed on the translation of the Concluding Observations into national languages, which immediately renders them more accessible and so more useful at the national level. For instance the State could be asked to provide the Secretariat with its translation of the Concluding Observations so that this could be included on the Committee's website.

- **Strengthening the role of NGOs in the follow-up procedure on the Concluding Observations**

The Committee should ensure that information on the States that have submitted follow-up reports and the timetable for the consideration of these reports is readily available online, so that NGOs are aware of the timescale for submitting follow-up reports. In particular, it is important for NGOs to know in advance which follow-up reports will be considered at coming sessions. We note that for each state party the information on follow-up to concluding observations now gets systematically incorporated into the web-page of the session at which the state concerned was considered. A dedicated web-page for follow-up to concluding observations, however, might help to present related information, including on the process of the follow-up procedure as well as practicalities concerning submissions, more prominently on the website of the Committee.

It would also be interesting for the NGOs to know whether the Committee would prefer them to submit NGO follow-up progress reports by the same deadline as the State party or to wait for the State to submit its Follow-up Report before sending their own progress reports.

The Committee should consider ways of ensuring that the information provided by NGOs is taken into consideration and reflected in the assessment of the implementation by the rapporteur for follow-up to the Concluding Observations.

In addition to the NGO written submissions, the Committee should consider allocating some time immediately before the presentation of the report of the rapporteur on follow-up to Concluding Observations for NGOs who wish to provide oral briefings or updates on States.

A more substantive and in depth qualitative assessment of actions taken at the national level could also be facilitated through country visits or the organization of follow-up seminars on a regional basis at which the Committee meets with NGOs to review implementation. The Committee could also consider holding the one session of the year when it usually meets in New York in another location, where it could also undertake follow-up activities with respect to states parties in that region.

#### **4) Strengthening the role of NGOs in relation to the Individual Communications**

Decisions on individual communications are not widely publicised and so are unlikely to be seen by those not already working with the system. In addition, decisions on individual communications are not available until several weeks (if not months) after their adoption, which does not facilitate their dissemination.

Additional efforts should be made to improve access to information on the follow-up to decisions taken on individual communications. A separate webpage on the follow-up to individual complaints, including a database, could be set up to facilitate access to the public information currently presented only in the interim and annual report of the Human Rights Committee including general information on the case, the violations found and remedies recommended, as well as the further action taken and required. In addition, summaries of cases, similar to those provided by the European Court of Human Rights, would give much greater profile to the cases and ensure that the jurisprudence of the Committee is easily accessible.

Tania Baldwin and Johannes Heiler – Amnesty International  
Patrick Mutzenberg – Centre for Civil and Political Rights